



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

SMC  
Docket No: 00933-00  
13 April 2000

SGT [REDACTED] USMC  
[REDACTED]  
[REDACTED]

Dear Sergeant [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the report of the Headquarters Marine Corps Performance Evaluation Review Board (PERB), dated 4 February 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the report of the PERB. The Board noted that the comments, in the contested fitness report, reflecting improvement in leadership were consistent with the mark of "OS" (outstanding) in that area. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

923-00

IN REPLY REFER TO:  
1610  
MMER/PERB  
4 FEB 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)  
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF  
SERGEANT [REDACTED] USMC

Ref: (a) Sergeant [REDACTED] DD Form 149 of 2 Nov 99  
(b) MCO P1610.7D W/Ch 1-3

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 1 February 2000 to consider Sergeant [REDACTED] petition contained in reference (a). Removal of the fitness report for the period 970301 to 970827 (TR) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner argues that all of the assigned marks of "excellent" in Section B of the report are inconsistent with the narrative comments in Section C. It is his position that each of the marks of "excellent" represent a lowering from marks in the immediately preceding fitness report, while the verbiage reflects improvement. To support his appeal, the petitioner furnishes his own detailed statement and copies of the challenged and previous fitness reports.

3. In its proceedings, the PERB concluded that the report is both administratively correct and procedurally complete as written and filed. The following is offered as relevant:

a. With one exception (i.e., the mark in Item 1f, Initiative), the petitioner is correct that the marks of "excellent" in Section B of the report at issue are lower than on the previous report. The Board is haste to point out, however, that a Reporting Senior is under no obligation to grade a subsequent report in the same manner as the previous one was graded. There is no presumption of consistency -- only the individual by his or her own steadfast performance can guarantee such consistency. The Board further observes that since each report is for a finite period, fluctuations in grades are presumed to be nothing more than a measure of degree in what areas the intensity and application of effort were required. Simply stated, there are no apparent reporting deficiencies with the petitioner's performance during this reporting period.

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)  
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF  
SERGEANT [REDACTED] SMC

b. Contrary to the petitioner's arguments, the Board does not view any internal inconsistency with the report. Likewise, they find no Section B marks to be in conflict with any of the Section C comments.

4. The Board's opinion, based on deliberation and secret ballot vote, is that the contested fitness report should remain a part of Sergeant [REDACTED] official military record.

5. The case is forwarded for final action.

[REDACTED]  
Chairperson, Performance  
Evaluation Review Board  
Personnel Management Division  
Manpower and Reserve Affairs  
Department  
By direction of the Commandant  
of the Marine Corps